

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**CHRISTOPHER AVELLONE,**

**Plaintiff,**

**v.**

**KELLY RAE BRISTOL,**

**Defendant.**

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**Case No. CIV-21-1108-SLP**

**PLAINTIFF’S APPLICATION FOR ATTORNEY FEES AND COSTS**

Pursuant to this Court’s Order of January 13, 2022 (Dkt. No. 16) and 28 U.S.C. § 1447(c), Plaintiff Christopher Avellone (“Plaintiff”) respectfully submits his application for attorney fees and costs. In support of his Application, the Plaintiff states:

1. The Plaintiff has previously briefed the legal authorities and arguments supporting an award of fees and costs in his Motion to Remand and for Award of Costs and Fees (Dkt. No. 13), and the Plaintiff adopts and incorporates herein by reference those arguments and authorities.

2. The Court has previously determined that an award of costs and fees for the Plaintiff is proper under 28 U.S.C. § 1447(c). Order, pp. 2-3 (Dkt. No. 16).

3. Attached hereto as Exhibit 1 is an affidavit stating the fees and costs incurred by the Plaintiff as a result of Defendant Kelly Bristol’s improper removal of this case to federal court, including supporting materials showing the time spent and hourly rates of the attorneys performing the work, along with other pertinent factors.

4. The total amount of attorney fees sought by the Plaintiff is \$6,127.50 plus costs of \$193.44 for a total of \$6,320.94.

**WHEREFORE**, the Plaintiff respectfully requests that the Court enter an order requiring the Defendant to pay Plaintiff's just costs and actual expenses, including attorney fees, in the total amount of \$6,320.94 incurred as a result of the Defendant's improper removal of this case to federal court.

Respectfully submitted,

*s/ Eric D. Wade*

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**ATTORNEYS FOR PLAINTIFF,**  
**CHRISTOPHER AVELLONE**

**CERTIFICATE OF DELIVERY**

☒ I hereby certify that on January 20, 2022, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants, to:

Scott E. Kiplinger  
GABLE GOTWALS  
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*Attorneys for Defendant*

☐ I hereby certify that on \_\_\_\_\_ I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

*s/ Eric D. Wade*

**Eric D. Wade**